

REMARKS

Claims 1-12, 15-27, and 30-42 were pending. In an Office Action dated March 15, 2010 claim 40 was objected to as being dependent upon a rejected base claim but allowable if rewritten in independent form and claims 1-12, 15-27, 30-39, 41 and 42 were rejected. Applicants have amended claims 1-6, 9, 11-12, 16-22, 26-27, 31-32, and 40 in this amendment and added new claim 43. Claims 1-12, 15-27, 30-41, and 43 are pending upon entry of this amendment. Applicants thank the Examiner for examination of the claims pending in this application and address the Examiner's comments below.

Interview Summary

Applicants' representative and the Examiner discussed the pending claims and references on June 22 and 24, 2010. In a communication dated June 24, 2010, the Examiner agreed that proposed amendments like those presented herein overcome the present grounds of rejection based on Hasink in view of Hellerstein and Gschwind.

Response to Rejection Under 35 USC § 103

The Examiner rejected claims 1-12, 17-30, 32-39 and 41 under 35 USC § 103(a) as allegedly being unpatentable over Hasink et al. (U.S. Patent Publication No. 2005/0149932) in view of Hellerstein et al. (U.S. Patent Publication No. 2004/0221184) and Gschwind et al. (U.S. Patent Publication No. 2003/0217297).

Claim 1 recites:

receiving, by an application executed by an operating system, a plurality of operating parameters having values describing a plurality of different types of resources of a client device;

determining a value representing a performance measure of the client device based at least in part on a combination of the plurality of operating parameter values describing the plurality of different types of resources of the client device;

assigning the value representing the performance measure to a usage variable; and

correlating by the application a resource usage level of the application with the usage variable, the correlating comprising:

examining a representation of a mapping of usage variable values to resource usage levels, wherein each tuple in the mapping specifies a particular value of the usage variable and a particular resource usage level;

identifying a tuple of the mapping for which the particular value of the usage variable matches the value assigned to the usage variable; and

the application modifying its own execution to use the particular resource usage level specified by the identified tuple.

The amendments to claim 1 in this Response are based on Claim 40 which the Examiner recognized as reciting allowable subject matter. The limitations of amended claim 1 are similar to the limitations of claim 40 and recite a “representation of a mapping” instead of a table and a “tuple” instead of a row of the table. Claim 40 in this Response has been amended to reflect the amendments to claim 1 but has the same limitations that were previously recognized as allowable. The Examiner acknowledges that the amendments to claim 1 overcome the present rejection.

Independent claim 17 has been amended to recite limitations similar to claim 1 and overcomes the present rejection for at least the same reasons. The dependent claims incorporate the limitations of the corresponding independent claims and also overcome the present rejection.

Conclusion

For the above reasons, Applicants respectfully submit that the pending claims, as amended, are not taught by the art of record, and request allowance of the application. The Examiner is invited to contact the undersigned by telephone to advance the prosecution of this application.

Respectfully Submitted,
Niniane Wang et al.

Dated: July 9, 2010

By: /Rajendra B Panwar /

Rajendra B Panwar, Reg. No. 63,165
Patent Agent
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7107
Fax: (415) 938-5200